

The Deputy Collector, Dabhoi, initiated action under Section 65 of the Bombay Tenancy and Agricultural Lands Act, 1948 (hereinafter referred to as 'the Act') by issuing a notice to the petitioner. In response to the notice, the petitioner remained present before the competent authority and produced a panchnama and village records indicating that the land in question was being

cultivated by the petitioner.

However, on examination of the records, it has been found that the petitioner had ceased to cultivate the land since 1983 and that grass grew naturally on the said land. Further, the petitioner had made an application for permission for non-agricultural use of the said land. The petitioner has not been able to refute the allegation that the petitioner did not cultivate the land since 1983 till 1994. In the circumstances, it cannot be said that the action of the competent authority in invoking the provisions contained in Section 65 of the Act is in any manner illegal or bad in law.

Only contention which was raised before me was that no notice was issued before taking action under Section 65 of the Act. This contention is devoid of any merit, because the impugned order dated 30th October 1995 itself indicates that the notice was issued and the required time was also granted to the petitioner for production of records. Accordingly, the petitioner did appear before the competent authority and had produced the relevant materials in support of his defence. No other contention has been raised before me.

In the result, this petition is dismissed. Interim relief is vacated. Rule is discharged with no order as to costs.

Learned advocate Mr.K.M. Sheth appearing for the petitioner, however, states that the petitioner shall make an application to the competent authority for grant of the very land for agricultural purpose. It is directed that, if such an application is made, the same shall be decided by the competent authority in accordance with law.

(swamy)